

Hearing Date: August 8, 2023 at 11:00 a.m. (ET)

Objection Deadline: August 1, 2023 by 4:00 p.m. (ET)

Christopher Harris
Adam J. Goldberg
Brett M. Neve
Nacif Taousse
Brian S. Rosen
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
Email: christopher.harris@lw.com
adam.goldberg@lw.com
brett.neve@lw.com
nacif.taousse@lw.com
brian.rosen@lw.com

Nima H. Mohebbi (admitted *pro hac vice*)
Tiffany M. Ikeda (admitted *pro hac vice*)
Emily R. Orman (admitted *pro hac vice*)
LATHAM & WATKINS LLP
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
Email: nima.mohebbi@lw.com
tiffany.ikeda@lw.com
emily.orman@lw.com

*Counsel to the Foreign Representatives
of Three Arrows Capital, Ltd.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:
Three Arrows Capital, Ltd.,
Debtor in a Foreign Proceeding

Chapter 15

Case No. 22-10920 (MG)

**DECLARATION OF NIMA H. MOHEBBI IN SUPPORT OF FOREIGN
REPRESENTATIVES OF THREE ARROWS CAPITAL, LTD.'S MOTION FOR AN
ORDER (I) HOLDING KYLE LIVINGSTONE DAVIES TO BE IN CIVIL CONTEMPT
FOR FAILURE TO COMPLY WITH MARCH 30, 2023 COURT ORDER; AND (II)
GRANTING SANCTIONS AGAINST KYLE LIVINGSTONE DAVIES**

I, Nima H. Mohebbi, pursuant to 28 U.S.C. Section 1746, hereby declare under penalty of perjury under the laws of the United States of America, as follows:

1. I am an attorney duly licensed to practice law in the State of California and admitted *pro hac vice* in the State of New York. I am a partner at Latham & Watkins LLP ("Latham") and counsel for the Russell Crumpler and Christopher Farmer, in their joint capacities as the duly authorized foreign representatives (the "Foreign Representatives") of Three Arrows Capital, Ltd. ("Three Arrows" or the "Debtor") in the above-captioned matter.

2. I submit this supplemental declaration in support of the *Foreign Representatives of Three Arrows Capital, Ltd.*’s Motion for an Order (i) Holding Kyle Livingstone Davies to be in Civil Contempt for Failure to Comply with March 30, 2023 Court Order; and (ii) Granting Sanctions Against Kyle Livingstone Davies filed contemporaneously herewith (the “Motion”).¹

3. Except as otherwise indicated, the facts set forth in this declaration are based upon my personal knowledge, my review of relevant documents, or my opinion based upon experience, knowledge, and information concerning the Debtor. I am authorized to submit this declaration on behalf of the Debtor, and if called upon to testify, I could and would testify competently to the facts set forth herein.

4. On December 6, 2022, the Court entered an Order authorizing the Foreign Representatives to serve subpoenas for the production of documents and testimony on the Debtor’s founders (the “Founders”), Kyle Livingstone Davies (“Mr. Davies”) and Su Zhu (“Mr. Zhu,” and together with Mr. Davies, the “Founders”). [Dkt. 71 ¶ 2.]

5. On December 29, 2022, the Court entered a further Order authorizing alternative service of a subpoena on Mr. Davies by email and Twitter (the “Service Order”). [Dkt. 79.]

6. On January 4, 2022, I issued a subpoena for the production of documents (the “Subpoena”) to Mr. Davies on behalf of the Foreign Representatives.

7. Attached hereto as Exhibit A is a true and correct redacted copy of the Subpoena.

8. I understand that the Foreign Representatives served the Subpoena on Mr. Davies by email and Twitter on January 5, 2023, in accordance with the Service Order, as set forth in the Declarations of Alex M. Englander (“Englander Declaration”) and Russel Crumpler (“Crumpler Declaration”) filed contemporaneously herewith.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

9. Under the terms of the Subpoena, Mr. Davies was required to respond by electronic production to me by email by January 26, 2023. (Ex. A at 1.) To my knowledge, I received no email or electronic production from Mr. Davies or his counsel by January 26, 2023, and I have not received any response as of the date hereof.

10. The Foreign Representatives filed a motion to compel on February 7, 2023, seeking an order from the Court compelling that Mr. Davies comply in full with the Subpoena within fourteen (14) days of the issuance of the order (the “Motion to Compel”). [Dkt. 85.]

11. I understand that the Foreign Representatives served the Motion to Compel on Mr. Davies by email on February 8, 2023, as set forth in the contemporaneously filed Crumpler Declaration and Declaration of Tiffany Ikeda (“Ikeda Declaration”).

12. Mr. Davies did not respond to or object to the Motion to Compel at any time.

13. On March 2, 2023, the Court held a hearing on the Motion to Compel (the “Hearing”). I attended the Hearing. Neither Mr. Davies nor his counsel appeared at the Hearing.

14. The Court granted the Motion to Compel on March 22, 2023 (the “Motion to Compel Opinion”), finding that “service of the Subpoena was in fact reasonably calculated to provide notice to Davies as served,” and requesting that the Foreign Representatives submit a proposed order within seven (7) days. [Dkt. 93 at 4–5, 18.] The Foreign Representatives did so, and on March 30, 2023, the Court issued an order (the “Motion to Compel Order”) directing Mr. Davies to comply in full with the Subpoena by April 13, 2023. [Dkt. 94.]

15. I understand that the Foreign Representatives served the Motion to Compel Opinion and Order on Mr. Davies by email and Twitter on March 29 and 30, 2023, respectively, in accordance with the Service Order, as set forth in Ikeda and Crumpler Declarations.

16. To date, and to my knowledge, Mr. Davies has failed to comply with the Motion to Compel Order and has not produced any documents in response to the Subpoena, or responded to the Subpoena in any manner.

17. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 14, 2023

/s/ Nima H. Mohebbi

Nima H. Mohebbi
Latham & Watkins LLP
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071